



Attorney General Jon Bruning

NEWS RELEASE

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Attorney General Bruning Unveils 2008 Legislative Package

Note: Audio clips about the legislative package are posted on the Attorney General's Web site at <http://www.ago.ne.gov>

To see an example of what salvia can do, go to: <http://youtube.com/watch?v=7IAPyqIe95Q>

(Lincoln, Neb.) Attorney General Jon Bruning today unveiled his legislative package for the upcoming 2008 legislative session.

Bruning's 2008 legislative package includes three bills. The first seeks to protect Nebraska kids from a dangerous drug known as salvia divinorum. The second bill eliminates voluntary intoxication as a defense when considering the mental state of the defendant. The third protects Nebraskans from scam artists who use invoices and checks to dupe consumers into signing up for services.

Salvia – This bill protects Nebraska kids from a dangerous drug called salvia divinorum by making it illegal. Salvia is an herb native to certain areas of Mexico and it's an intense hallucinogen that's increasing in popularity.

"Salvia is a powerful hallucinogen that can be purchased legally. This legislation will make it illegal and put it on par with other powerful drugs like peyote, psychedelic mushrooms and LSD," said Attorney General Bruning. "Several other states have already made salvia illegal. It's time to add Nebraska to the list."

The bill adds salvia to Schedule I of the Nebraska Uniform Controlled Substances Act. Possessing salvia would be considered a Class IV felony with a penalty of up to five years. Trafficking the drug would fall under a Class III felony with up to a 20 year penalty.

"Videos of teens using this common plant to get high have become an internet sensation," said Sen. Vickie McDonald of St. Paul who's carrying the legislation. "Nebraska needs to classify salvia divinorum and its active ingredient, salvinorin A, as a controlled substance in order to protect our children from a drug being portrayed as harmless when it's not."

(more)

Voluntary Intoxication/Not Guilty by Reason of Insanity – This bill would eliminate the “not guilty by reason of insanity” defense if a person was voluntarily intoxicated when he/she committed a crime. The need for this legislation was evident after the murder of a young Lincoln man named Andy Lubben in 2006. Lubben was stabbed more than 20 times by a man under the influence of cough medicine. The man was charged with first-degree murder and he was found not guilty by reason of insanity.

“Being drunk doesn’t make you insane,” Bruning said. “Under this bill, people can’t say they lacked intent because they voluntarily intoxicated themselves.”

Sen. Amanda McGill of Lincoln, introducer of the legislation, said, “I want to thank the Lubben family for the strength and courage they have shown since the tragedy involving their son’s death. Their case brought to light a problem in our justice system that we hope to correct.”

Consumer Fraud Protection – The Attorney General’s Office received more than 15,000 calls from concerned companies and consumers in 2007. Scam artists are constantly trying to find new ways to defraud consumers and Nebraskans need to be protected. This bill proposes several changes to the Deceptive Trade Practices Act, one of the office’s main tools for enforcement.

- **General Fraud** – Nebraska currently lacks a catch-all provision to combat general fraud like fake cashier’s checks, magazine subscription sales and charitable solicitations scams. New frauds and scams occur all the time and an additional tool is needed to effectively protect Nebraskans.
- **Live Check Solicitation** – Businesses, often on-line or yellow pages advertising companies, will use “Live,” “Incentive,” or “Promotional” checks as a solicitation device. A person may receive a check in the mail. As soon as that person deposits the check, the company that sent it deems a sale has been made and starts billing that person for services. In these types of cases, depositing the check is treated as “acceptance” of all terms and obligations and most people are unaware the deposit has obligated them to pay for services. In the past five years, the Attorney General’s Office received more than 50 complaints against eight different companies for this kind of marketing. The law would prohibit the mailing of “incentive” or “promotional” checks.
- **Unsolicited Billing** – Unsolicited billing is a growing problem. The Attorney General’s Office received 12 complaints in the last two months. This type of fraud is similar to the promotional checks. It’s a ploy used by advertising businesses as well. The law would make unsolicited billing a deceptive trade practice.

“This is a proactive approach to get out in front of these scam artists and protect Nebraskans,” Bruning said.

Sen. Kent Rogert of Tekamah, who’s carrying the legislation said, “We’re seeing more and more people being affected by new forms of scam and fraud. Legislative proposals that promote consumer protection are vital to safeguarding the citizens of Nebraska. This issue is important to me as it has already impacted people close to me. I owe it to my friends and everyone else in Nebraska to stop this kind of nonsense.”

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